

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
(Official Minutes)

SPECIAL JOINT SESSION OF THE VILLAGE OF FONTANA PLAN COMMISSION  
with the BOARD OF TRUSTEES  
**Thursday, April 20, 2006**

Village Clerk Dennis Martin called the monthly meeting of the Plan Commission and the special meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: Bidwill, Bromfield, Pollitt, Petersen, O'Connell

**Trustees absent:** President Whowell, Turner

**Plan Commissioners present:** Roll call vote: O'Connell, Spadoni, Larson, Eakright

**Plan Commissioners absent:** President Whowell, Poivey, Treptow

**Also present:** Skip Bliss, Jim Feeney, Village Administrator Kelly Hayden-Staggs, Sarah Lobdell, Village Clerk Dennis Martin, CDA Executive Director Joseph McHugh, Peter Novak, Building Inspector Ron Nyman, Brian Pollard, Don Roberts, Robert Sandy, Robert Stewart, Lisa Seiser, Tim Swatek, Brian Tracy, John Tracy, Director of Public Works Craig Workman

**Elect President Pro Tem**

Trustee Pollitt nominated Trustee Petersen to serve as the President Pro Tem in the absence of President Whowell. The nomination was seconded by Trustee Bromfield. No other nominations were made.

Trustee Pollitt/Trustee Bromfield 2<sup>nd</sup> made a MOTION to elect Trustee Petersen as the President Pro Tem of the Village Board meeting, and the MOTION carried without negative vote.

Commissioner O'Connell nominated Commissioner Spadoni to serve as the President Pro Tem in the absence of President Whowell. The nomination was seconded by Commissioner Larson. No other nominations were made.

Commissioner O'Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to elect Commissioner Spadoni as the President Pro Tem of the Plan Commission meeting, and the MOTION carried without negative vote.

**Public Hearing**

**Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana on Geneva Lake from Agriculture to Planned Development, filed by the Tracy Group Inc., 200 Elizabeth Lane, Genoa City, WI 53128, for a 89.71-acre parcel of land located at the northeast corner of Town Hall Road and Brick Church Road**

Trustee Petersen and Commissioner Spadoni opened the public hearing at 6:03 pm. Skip Bliss asked how the municipal sewer and water line construction was being financed, and Workman provided the previously approved details. Bliss also asked if the Plan Commission had a vision with regard to future development on the periphery of the Village, or if the density of development proposals will be decided on a case-by-case basis. Hayden-Staggs stated that the Village Master Plan calls for one residential unit per acre in the area of the Tracy development. Hayden-Staggs stated that although the Highlands of Fontana proposal features 106 units on 89.71 acres of land, there will be a land conservancy established for 19 acres of land located adjacent to the Duck Pond Recreational Area. Trustee Pollitt stated that the conservancy aspect of the proposal "and the amount of green space

that was left” within the residential subdivision were factors that made him a proponent of the project. Pollitt stated that the development’s potential to attract families to the Fontana Elementary School District also is a beneficial aspect of the proposal. Larson stated that clustered development in rural areas can retain more open green space than larger residential lots spread across large areas. Bob Stewart stated the he wanted to make sure the east side of his parcel will be protected with some type of security fence, and attorney Swatek and John Tracy stated that they will work with Stewart to come up with an agreeable plan. Trustee Petersen and Commissioner Spadoni closed the public hearing at 6:15 pm.

### **Joint Session General Business**

#### **Plan Commission Recommendation on Tracy Group Petition to Amend Zoning, General Development Plan, Precise Implementation Plan, Developer’s Agreement, Condominium and Subdivision Plats and Declarations & Approval of Resolution**

Larson stated that prior to voting to approve the precise implementation plan, she would like to see side and back elevations and architectural renderings of the homes in the Prairie Crossing subdivision. Elevations and architectural plans already have been submitted and favorably reviewed for the condominium plats. John Tracy stated that he would submit the side and rear elevations for approval prior to his posting of the letter of credit that initiates the construction process. Larson stated that she also would like to see something other than the traditional municipal street lights and poles used in the new subdivision. Brian Tracy stated that Alliant Energy does not offer any choices for street light poles, and the plan currently calls for Alliant to provide the electrical service for the street lights. Following discussion, Brian Tracy was directed to work with Workman, and they will contact Alliant to determine if there are other street light options that can be made available. Both matters will be brought back for consideration by the Architectural Review Board, which is comprised of the Plan Commission. Plan Commission Resolution 04-20-06-01 makes a recommendation in favor of the petition to rezone the property to Planned Development and the General Development Plan.

Commissioner Eakright/Commissioner Larson 2<sup>nd</sup> made a MOTION to approve Plan Commission Resolution 04-20-06-01 as presented, and the MOTION carried without negative vote.

Commissioner O’Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Precise Implementation Plan with the conditions that the side and rear elevations for Prairie Crossing and the street lights and poles for the entire subdivision be submitted for review by the Architectural Review Board, and the MOTION carried without negative vote.

Commissioner O’Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to ratify the recommendation motion approved at the March 28, 2006 Plan Commission meeting that stated the Plan Commission recommended approval of the annexation, Developer’s Agreement and Condominium Plats and Declarations subject to the holding of a public hearing. The MOTION carried without negative vote.

#### **Village Board Approval of Tracy Group Zoning Ordinance, General Development Plan, Precise Implementation Plan, Annexation Ordinance, Developer’s Agreement, Condominium and Subdivision Plats and Declarations**

Ordinance 04-20-04-01 approves the proposed annexation. Ordinance 04-20-06-02 approves the petition to amend the zoning map and the General Development Plan.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Ordinance 04-20-06-01 as presented, and the MOTION carried without negative vote.

Trustee Bromfield/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve Ordinance 04-20-06-02 as presented, and the MOTION carried without negative vote.

Trustee Bromfield/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the Precise Implementation Plan, with the conditions that the side and rear elevations for Prairie Crossing and the street lights and poles for the entire subdivision be submitted for review by the Architectural Review Board, and the MOTION carried without negative vote.

Trustee Bromfield/Trustee Pollitt 2<sup>nd</sup> made a MOTION to approve the Developer's Agreement and Condominium and Subdivision Plats and Declarations, and the MOTION carried without negative vote.

#### **Adjourn Village Board**

Trustee Bromfield/Trustee Pollitt 2<sup>nd</sup> made a MOTION to adjourn the meeting of the Village Board at 6:29 pm, and the MOTION carried without negative vote.

#### **Approval of Plan Commission Minutes**

Commissioner Eakright/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held March 28, 2006, and the MOTION carried without negative vote.

#### **Public Hearings**

##### **Conditional Use Permit Application Filed by the Geneva Lake Conservancy, 398 Mill Street, Fontana, WI 53125, to erect a general informational sign board and pamphlet holder**

Commissioner Spadoni opened the public hearing at 6:31 pm. There were no comments made during the public hearing. Commissioners Larson and O'Connell stated that the proposed sign/pamphlet holder is very attractive. Commissioner Spadoni closed the public hearing at 6:32 pm.

Commissioner O'Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to approve the conditional use permit application and the attached Building, Site and Operational Plan as submitted, and the MOTION carried without negative vote.

##### **Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana on Geneva Lake regarding Chapter 18, Section 18-27 - Accessory Uses and Structures**

Commissioner Spadoni opened the public hearing at 6:34 pm. Hayden-Staggs and Nyman explained the proposed amendments. Nyman stated that the temporary accessory structures portion of the amendments is being proposed to address recent instances of tents and tarps being erected in front yards. The amendments allow for permanent or temporary accessory buildings or structures as long as they meet the setback requirements of the district. Commissioner Spadoni closed the public hearing at 6:35 pm.

Commissioner O'Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Petition for Amendment of the Zoning Ordinance and Zoning Map as presented, and the MOTION carried without negative vote.

#### **General Business**

##### **Approve Easement Agreement Per Terms of Conditional Use Permit Approved March 1, 2005 and Amended October 24, 2005 for John O'Neill Property at 323 Bayview Drive**

Hayden-Staggs stated that the Easement Agreement was called for per the terms of the CUP approved March 1, 2005 and amended October 24, 2005. Hayden-Staggs stated that the easement fulfilled the terms of the CUP and staff recommended forwarding the agreement to the Village Board for approval subject to review by the Village attorney. After O'Connell made a motion that was seconded by Spadoni to forward the easement agreement to the Village Board for approval with the condition that it is favorably reviewed by the Village attorney, Eakright and Larson stated that have concerns with the agreement. Eakright stated that he would rather have the opinion of the village attorney prior to voting on the matter. Larson stated that she was opposed to the amended CUP approval in the first place. Larson stated that the initial condition for the CUP approval that called for the removal of a portion of a landscaping wall that is in the public right of way, should have remained a condition for approval. O'Connell and Spadoni then withdrew their motion and second.

Commissioner Eakright/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to table the matter until the agreement is reviewed by Village Attorney Dale Thorpe, and the MOTION carried on a 3-1 vote, with Commissioner Larson voting no.

### **BSOP for Eileen's Coffee Shop, 114 W. Main Street**

The Department of Building and Zoning recommended approval of the Building, Site and Operational Plan as submitted with three conditions. Nyman stated that a fourth condition on the staff report already has been taken care of by building owner Bob Sandy. Sandy stated that the condition that all exterior yard and lawn maintenance shall conform to the municipal code also has been taken care. Sandy stated that now that the construction on Main Street is complete, he has contracted a person to take care of the small lawn area in the front yard. Sandy stated that he also does not object to the other two conditions that the applicant will have to apply for and receive a sign permit prior to use of the free-standing monument signage, and that any proposed changes to the BSOP as submitted are subject to further approval by the Plan Commission. Sandy also introduced Eileen Grundeman, the new operator of Eileen's Coffee Shop, who invited everybody to stop by for a cup of coffee.

Commissioner Larson/Commissioner Eakright 2<sup>nd</sup> made a MOTION to approve the BSOP as submitted, with the conditions that the applicant shall apply for and receive a sign permit for the free-standing monument signage prior to use; that all exterior yard and lawn maintenance shall conform to Section 18-32 of the Municipal Code; and that proposed changes to this approved BSOP are subject to further approval by the Plan Commission through an amendment to the BSOP, including, but not limited to lighting, signage, hours of operation, use and parking. The MOTION carried without negative vote.

### **Lot Violation Status Report for Novaks', 158 Fontana Boulevard**

Nyman updated the Plan Commission on the status of the lot construction permit violation. Nyman stated that his office has received requests to issue citations to the Novaks if they do not bring the lot back into its pre-construction state, or if they do not submit and receive approval for a lot that conforms to the building code. Nyman issued a stop work order after the project was started on February 27, 2006, without prior approval or permit issuance. Peter Novak stated that he has not been able to submit a plan for approval because the two companies he has contacted have not yet been out to the site. Following discussion, the Plan Commission decided to set a 30-day deadline for Novak, who agreed to work with the CDA architectural firm, PDI, and the village planning staff to draft a plan that adheres to the municipal code. Novak stated that he would sign a cost recovery agreement and work with the village staff to draft a plan to be presented to the Plan Commission at its next meeting.

Commissioner Larson/Commissioner Eakright 2<sup>nd</sup> made a MOTION to direct the Building and Zoning Department to defer issuance of building permit violation citations to Novaks' for 30 days with the condition that the owners sign a cost recovery agreement and work with the Village staff and PDI to draft a parking lot plan that adheres to the municipal code. The MOTION carried without negative vote.

### **Approve Conservation Easement**

Hayden-Staggs stated that the easement between the Village of Fontana and the Geneva Lake Conservancy is for the Hildebrand Conservancy Area and some adjacent parcels. The easement was approved by the Village Board subject to review by the Plan Commission. Village staff recommended approval of the easement as presented.

Commissioner O'Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to approve the Conservation Easement as presented, and the MOTION carried without negative vote.

### **Consider FairWyn Proposal for Landscaping/Retaining Wall**

Brian Pollard stated that during construction on the undulating site, it has been determined that some type of retaining walls will be needed to facilitate site drainage and for building foundation support. Pollard stated that exact proposed locations, height and length of retaining walls will be better determined as the site is graded during the next month. Pollard asked the Plan Commission if it would consider approving the retaining wall materials and a maximum size for the retaining walls in

order to facilitate the construction process after site grading is completed. Pollard stated that if the Plan Commission voted to approve the style of retaining wall, he would work with PDI and the village staff on the location of the retaining walls. Spadoni stated that he would like to know exactly where and how high the retaining walls would be before he would be in a position to vote on the issue. Larson stated that she also would not want to vote on the matter until she knows the proposed height and length of the retaining walls. Larson stated that Pollard should grade the site in a manner that keeps the proposed retaining walls as minimal as possible. The Plan Commissioners also stated they would like Pollard to use a diverse range of colors for the proposed retaining wall blocks. Commissioner O'Connell/Commissioner Eakright 2<sup>nd</sup> made a MOTION to table the matter, and the MOTION carried without negative vote.

#### **Amended Concept - John O'Neill Indian Hills Road Lots**

O'Neill requested that the matter be pulled from the agenda.

#### **Pending Plan Commission Items for Future Agendas**

1. Ed Lyons CUP Concept
2. Grunow ETZ Development
3. Rollette Oil BSOP Amendment
4. Abbey Harbor Condominium Plat Amendment (Tabled 3/7/06)
5. Review Conditions for FairWyn, Ltd. Professional Building CUP Approved October 25, 2004
6. Par Development PD for Audino Quarry Property

#### **Plan Commission Adjournment**

Prior to adjournment, Spadoni announced that Eakright had submitted his resignation from the Plan Commission and he thanked Eakright on behalf of the community for his service on the Plan Commission. Eakright stated that he will no longer be a resident, so he has to step down from the Plan Commission. Eakright stated that the time he spent serving on the Plan Commission was very interesting and it was a valuable experience.

Commissioner O'Connell/Commissioner Eakright 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 7:08 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission and Village Board, the official minutes will be on file at the Village Hall.

APPROVED: VB – 5/01/06  
PC – 5/30/06